

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN GREEN
Plaintiff,

v.

**TIMOTHY McCARTHY, the CITY
OF BOSTON, the
COMMISSIONER OF THE
BOSTON POLICE DEPARTMENT
EDWARD DAVIS,
Defendants.**

1:09-11705-NG

**DEFENDANT TIMOTHY McCARTHY'S MOTION FOR SUMMARY
JUDGMENT ON ALL OF PLAINTIFF JONATHAN GREEN'S CLAIMS**

Pursuant to Fed. R. Civ. P. 56, Defendant Timothy McCarthy ("Officer McCarthy") respectfully moves this Honorable Court to grant summary judgment in his favor on all claims asserted against him by Plaintiff, Jonathan Green ("Plaintiff"). As grounds for this Motion, Officer McCarthy states that Plaintiff has failed to establish a genuine dispute of material fact that Officer McCarthy used excessive force in violation of his civil rights under 42 U.S.C. § 1983, violated M.G.L. c. 12, § 11(I), the Massachusetts Civil Rights Act and committed civil assault and battery and intentional infliction of emotional distress.

In support of this Motion, Officer McCarthy has submitted the attached memorandum of law.

WHEREFORE, Defendant Timothy McCarthy respectfully requests that his Honorable Court grant summary judgment in his favor on all of Plaintiff Jonathan Green's claims against him because Plaintiff has failed to demonstrate a genuine dispute of material fact and no reasonable jury could find in Plaintiff's favor at trial.

DEFENDANT TIMOTHY McCARTHY REQUESTS AN ORAL ARGUMENT ON THIS MOTION

Respectfully submitted,

DEFENDANT, TIMOTHY McCARTHY

By his attorneys:

William F. Sinnott
Corporation Counsel

/s/ Michelle K. Hinkley
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that, pursuant to Local Rule 7.1 on May 21, 2012, counsel for the Defendants attempted to, but was unable to confer with Plaintiff's counsel in a good faith effort to resolve or narrow the issues raised herein.

/s/ Michelle K. Hinkley
Michelle K. Hinkley

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Michelle K. Hinkley
Michelle K. Hinkley